

Judge: Timothy W. Dore
Chapter: 13
Hearing Date: July 15, 2022
Hearing Time: 9:30 a.m.
Hearing Location:
U.S. Bankruptcy Court
700 Stewart St #8106
Seattle, WA 98101
Response Date: July 14, 2022 at 3:00 pm

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE

In re:

JOAN RAIDER RAWLINGS,

Debtor.

IN CHAPTER 13 PROCEEDING
No. 22-10025-TWD

**RESPONSE TO MOTION FOR AN
ORDER APPROVING COMPROMISE
OF CLAIM**

Jason Wilson-Aguilar, Chapter 13 Trustee, responds to the debtor's Motion for an Order Approving Compromise of Claim (ECF No. 50):

The debtor wants to settle her claim against her mortgage lender / servicer. The Trustee has these concerns:

1) The Court ordered the debtor to serve notice of her motion and the Court's order shortening time by July 11, 2022 (ECF No. 60; ¶ 4). The debtor apparently served the Court's order on July 12, 2022 (ECF No. 63), but there is no apparent indication the debtor served the motion itself.¹ The Trustee understands that the Court's order shortening time was entered on July 12, 2022. However, the debtor included a service date of July 11, 2022 when she filed her proposed order shortening time on that same date (ECF No. 53).

In any proceeding which is to be accorded finality, due process requires notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections. *Mullane v. Central Hanover Bank &*

¹ The debtor's Certificate of Service provides that she served the "Order Granting Motion to Shorten Time ECF Docket Reference No. 60" on July 12, 2022 (ECF No. 63).

Trust Co. et al., 339 U.S. 306, 314 (1950). The Trustee merely raises this issue for the Court's consideration.

2) The debtor's proposed order provides that her counsel "will not receive any attorneys fees on account of this settlement despite allowance for them in the employment order in Dkt No. 30" (ECF No. 50-2; ¶ 2). The Trustee believes the correct reference is to the *Ex Parte* Order Granting Application to Employ Attorney at ECF No. 28 rather than ECF No. 30. To be clear, that order provides that "[a]ny attorney fees or costs incurred . . . are subject to further Court order after notice" (ECF No. 28; ¶ 2).

WHEREFORE, the Chapter 13 Trustee requests that the Court grant or deny the debtor's Motion for an Order Approving Compromise of Claim (ECF No. 50), as the Court finds appropriate.

Dated this 12th day of July 2022

/s/ Jason Wilson-Aguilar, WSBA #33582

JASON WILSON-AGUILAR
Chapter 13 Trustee

RESPONSE TO MOTION FOR AN ORDER APPROVING COMPROMISE OF CLAIM - 2

Chapter 13 Trustee
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